

COUNSEL LISTED ON LAST PAGES

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Nichia Corporation

Plaintiff,

vs.

Seoul Semiconductor Co., Ltd. and Seoul
Semiconductor, Inc.,

Defendants.

Case No: 3:06-CV-00162-MMC (JCS)

**JOINT ADMINISTRATIVE REQUEST
TO EXTEND TIME TO COMPLETE
NON-EXPERT DEPOSITIONS AND
EXPERT DEADLINES; ORDER THEREON**

Judge: Maxine M. Chesney
Magistrate Judge: Joseph C. Spero

Plaintiff Nichia Corporation (“Nichia”) and Defendants Seoul Semiconductor Co., Ltd., Seoul Semiconductor Inc., (collectively “Seoul”), file this joint administrative request pursuant to L.R. 7-11 for extension of the deadline to complete specific non-expert depositions and expert discovery.

1. PROCEDURE

To make an administrative request under Local Rule 7-11, a moving party or parties must set forth specifically the action requested, and the reasons supporting the motion. Such a motion must be accompanied by either (a) a stipulation of parties under L.R. 7-12 or, (b) by a declaration explaining why such a stipulation could not be reached.

2. ACTION REQUESTED

Plaintiff and Defendants respectfully request that the District Court allow for a brief reprieve in the deadlines to complete specific non-expert depositions and expert discovery. Specifically, the parties jointly request an extension of the following deadlines:

1. Complete specific non-expert depositions from April 23, 2007 to June 1, 2007; and,
2. Initial expert designations (except for damages issues) from May 7, 2007 to May 12,

2007 and rebuttal expert designations (except for damages) from May 18, 2007 to May 22, 2007;

3. Initial expert designations related to damages issues from May 18, 2007 to May 21, 2007.

The Court has previously modified the deadline to complete non-expert depositions to April 23, 2007 and initial expert designations on liability to May 6, 2007. *See* Order dated March 26, 2007 (Dkt. No. 203). The Court has also previously modified the deadlines for expert designations on damages. *See* Order dated April 5, 2007 (Dkt. No. 213).

3. REASONS SUPPORTING THIS REQUEST

(a) Completion of Specific Non-expert Depositions

Both parties have been working diligently to complete all non-expert depositions. There are five depositions that could not be completed by the April 23, 2007 deadline. One deposition of Nichia's witness, Takashi Sakamoto, was completed on April 26, 2007 by stipulation of the parties. Currently four depositions remain to be completed – three witnesses from Seoul and one witness from third party Samsung SDI Co. Ltd. ("Samsung") as follows:

- Jeong Soo Lee May 3 & 4, 2007
- Sang Bae Han May 8 & 9, 2007
- Dae Hyun Chang May 8 & 9, 2007
- Samsung SDI Co. Ltd. Week of May 28, 2007

The deposition of the three Seoul witnesses, Jeong Soo Lee, Sang Bae Han, and Dae Hyun Chang, were originally scheduled to be completed before the April 23, 2007 deadline, but by stipulation of the parties were re-scheduled for a date after the deadline. Third-party Samsung has offered a witness for deposition for sometime the week of May 28, 2007 in Korea and the parties and Samsung are working together to schedule that deposition with the expectation that the deposition will be completed by June 1, 2007.¹ Thus, as of that date, all non-expert

¹ Nichia served Samsung with a subpoena for documents and deposition. Samsung objected to the subpoena and Nichia was forced to file a motion to compel with the Northern District of Illinois, the jurisdiction where Samsung has a presence in the United States. On April 10, 2007, the Northern District of Illinois ordered Samsung to produce documents and deposition on or before May 8, 2007. *See* Order dated April 10, 2007 attached hereto as Exhibit A. The

depositions will be completed. Accordingly, the parties respectfully request that the deadline to complete the non-expert depositions identified above be extended to June 1, 2007.

(b) Extension of Expert Discovery

Nichia recently requested that the liability expert designations be moved because Japan has a National Holiday the week of April 30; it thus was unable to complete its initial expert report by the deadline of May 7. Accordingly, the parties have stipulated to the following extensions:

- Initial expert designations (except for damages issues) from May 7, 2007 to May 12, 2007;
- Rebuttal expert designations (except for damages issues) from May 18, 2007 to May 22, 2007;

In addition, the parties agreed to move the deadline for the Initial Damages Expert designation from Friday, May 18 to Monday, May 21.

4. STIPULATION

By signing this joint administrative request, all parties act in concert in requesting the District Court Judge move the deadline to file motions to compel documents only as described above in Section 2.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD

Dated: May 2, 2007

By: /s/ Jason M. Julian

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parties have agreed to allow the deposition of Samsung to occur after the May 8, 2007 deadline.

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DATED: May 2, 2007

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Attorneys for Defendants Seoul Semiconductor Co.,
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PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The deadline to complete ^{the} specific set forth above non-expert depositions is extended from April 23, 2007 to June 1, 2007; the deadline for initial expert designations (except for damages issues) is extended from May 7, 2007 to May 12, 2007 and rebuttal expert designations (except for damages) is extended from May 18, 2007 to May 22, 2007; and, the deadline for initial expert designations related to damages issues ^{is extended from} ~~from May 7,~~ ~~2007 to May 18, 2007 to May 21, 2007.~~ .

DATED: May 3, 2007

By: _____


HONORABLE MAXINE M. CHESNEY
United States District Judge